

Remarks/Arguments

Upon entry of the above amendment, claims 2, 5, 8 and 9 will be pending in the application. Applicants amended claims 2 and 5. The original claim and specification provide support for the amendments. Applicants have not raised any issue of new matter has been added.

Rejections Under 35 U.S.C. § 103

Claims 2, 5, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Macpherson et al, WO 96/40101, (hereinafter "Macpherson"), in view of Evans et al, British J. of Cancer 85(12):1865-1870 (2001) (hereinafter "Evans"), further in view of Kouloulias et al., J. of Hepatobiliary Pancreatic Surgery 8:564-570 (2001) (hereinafter "Kouloulias"). Applicants respectfully disagree.

Macpherson discloses a specific matrix metalloproteinase inhibitor for treatment of cancer. Evans discloses that matrix metalloproteinase inhibitors are useful in the treatment of pancreatic cancer. Kouloulias discloses intraoperative hyperthermia in combination with FU (5-fluoro-uracil) treatment and postoperative radiotherapy in the management of advanced pancreatic cancer. Kouloulias fails to disclose radiotherapy in combination with a matrix metalloproteinase inhibitor in the treatment of cervical and pancreatic cancer. In addition, Kouloulias discloses that radiotherapy has shown no clear evidence of any impact on survival and that even intraoperative radiotherapy shows no evidence of tumor regression or benefit in term of overall survival (e.g. Introduction).

As stated in prior responses, three criteria may be helpful in determining whether claimed subject matter is obvious under 103 (a): first, if there is some suggestion or motivation to modify or combine the cited references; second, if there is a reasonable expectation of success; and third, if the prior art references teach or suggest all the claim limitations. *KSR Int'l Co. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007). "Knowledge in the prior art of every element of a patent claim ... is not of itself sufficient to render claim obvious." *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1996); *Teleflex Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1333-1334 (Fed. Cir. 2002). The issue is whether there is apparent reason to combine (or to modify, in this case) the known elements in the fashion claimed by the patent at issue. *KSR Int'l Co. v. Teleflex, Inc.*

The cited references fail to disclose or suggest all of the elements of the present invention. None of these prior arts teach or suggest the combination of a MMP-inhibitor, and radiotherapy.

A skilled artisan would not be motivated with a reasonable expectation of success to combine radiotherapy with MMP inhibitors after reading the cited prior art.

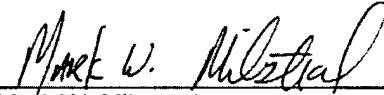
In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Applicants addressed each and every issue set forth by the Examiner. Applicants respectfully submit that the claims are in good condition for allowance.

If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,



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